

REMARKS

Supervisory authority is requested because the rejection of the claims under 35 USC 112, second paragraph, for improper English in Jepson claim 1 is incorrect.

Supervisory authority is requested because, while the rejection of claim 2 under 35 USC 112, second paragraph, is correct, it resulted from an editorial error in the Response of June 7, 2007, and, therefore, should have been made in the Action of August 29, 2007, but was not.

Supervisory authority is requested because, if there are other, e.g., narrative objections to the claims, such have not been identified.

The rejection of independent claim 1 under 35 USC 102 for anticipation by the cited Gerdes patent is traversed for the reasons amply of record in the Response of October 17, 2007. Every element of claim 1, including its Jepson preamble (*MPEP* 2111.02), must be in the patent for the rejection (*MPEP* 2131), but the patent discloses ray (not air) heat in a cold air booth at page 1, lines 72-78, and not cold medium in a warm or hot air booth, as claimed. If the booth of the Gerdes patent held warm or hot air as claimed, how could ". . .no hot air enter. . .the lungs," as at page 1, lines 90-91.

The same lines of the patent teach that the cold air is to cool higher levels of radiant heat and not to stimulate the body with the cold medium, as claimed. Therefore, the patent does not teach toward the claimed invention, either, as would be necessary to support conversion of the rejection into one for obviousness under 35 USC 103.

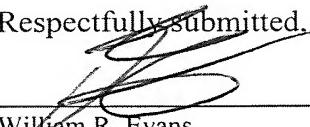
The claimed, patent-distinguishing stimulating is emphasized by snow (flakes) of claim 4 and the interval or intervals of claims 17, 18, 20 and new claim 21, the thermal fluctuation therefrom being more stimulating than steadier temperatures as well known from the saw of getting a frog to jump from boiling water but not slow, steady heating, for example.

According to claims 4, 17, 18, 20 and 21, the cold medium is introduced at flake or time intervals. According to the Gerdes patent, page 12, lines 55-59, the amount and distribution of heat is controlled by switching on or off. It is not mentioned that the cold medium is so introduced periodically, as claimed.

Please also note that the Gerdes patent is to achieve "uniform effects," page 2, line 68. Uniformity is boring, not stimulating, as claimed.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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